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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,306	06/02/2005	Olivier Brique	90500-000053/US	1701
30593	7590	03/09/2010		
HARNESS, DICKY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			EXAMINER	
			CHEN, SHIN HON	
		ART UNIT	PAPER NUMBER	
		2431		
		MAIL DATE	DELIVERY MODE	
		03/09/2010	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/537,306	<b>Applicant(s)</b> BRIQUE ET AL.
	<b>Examiner</b> SHIN-HON CHEN	<b>Art Unit</b> 2431

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 January 2010.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-7 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 02 June 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/GS-168)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-7 have been examined.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue U.S. Pub. No. 20010020297 (hereinafter Inoue) in view of Perdon U.S. Pub. No. 20030106057 (hereinafter Perdon).

4. As per claim 1, Inoue discloses a method of managing a display of events with conditional access, the method comprising:

sending data forming an electronic program guide (EPG) to a decoder, the EPG displaying a list of events to be broadcast, the data for the list of events including, for each event of the list of events, at least one identifier, textual data and a condition block, the condition block including conditions required for accessing the event (Inoue: [0013]: the EPG includes program information that indicates access conditions associated with the programs),

sending at least one authorization message to a security module associated with the decoder, the at least one authorization message defining access rights to the event (Inoue: [0009]: the contract conditions stored by the apparatus);

wherein the access conditions contained in the condition block are expressed in the form of an operation described by a request in a structured language, the operation based on the access rights defined in the received authorization message (Inoue: figure 7: the comparison of contract condition and condition block are carried out in structured language where conditional statements are applied);

a structured language motor seeks, in the security module, the operation contained in the condition block (Inoue: [0010] lines 14-15: the program information reading device provides data to the determining device), and the structured language motor executes the operation (Inoue: [0010] lines 14-15: the determining device determines whether the selected program is allowed to be viewed),

returning to the decoder a result of the execution (Inoue: [0010] lines 17-22: display the result); and

displaying the list of events in the EPG based on execution result of the operation and identifying a displayed event from another displayed event in the list of the events based on the access rights (Inoue: [0010] lines 17-22).

Inoue does not explicitly disclose the operation is also based on at least one parameter that is independent of the event or of a channel on which the event is broadcast. However, Perdon discloses a method of generating personalized/customized EPG based on user viewing history and preference as provided by viewers (Perdon: [0025]). It would have been obvious to one having ordinary skill in the art to create personalized EPG based on multiple parameters because they are analogous art. Therefore, it would have been obvious to one having ordinary

skill in the art at the time of applicant's invention to combine the teachings of Peron within the system of Inoue because it displays program more suitable and interested by viewers.

5. As per claim 3, Inoue discloses the method of claim1. Inoue further discloses wherein the one event to be broadcast is encrypted by at least one control word, the at least one control word is transmitted to the decoder in the form of an encrypted control message and the encrypted control message including the access conditions, wherein at least a portion of the encrypted control message is transmitted in the conditional block (Inoue: [0048]).

6. As per claim 4, Inoue discloses the method of claim 3. Inoue further discloses wherein the condition block only includes the data relating to the access conditions contained in the control message (Inoue:[0015]: program information includes viewing conditions of the programs).

7. As per claim 5 and 6, Inoue discloses the method of claim 4. Inoue further discloses wherein said data related to the access conditions are sent in encrypted or clear form in the condition block (Inoue: [0048]: the programs and its associated viewing conditions are sent in either clear or encrypted form depending on whether they are conditional access programs).

8. As per claim 7, Inoue discloses the method of claim 1. Inoue as modified further discloses wherein the second parameter of the at least two parameters includes at least one of a viewing history of the subscriber, at least one occasion specific to the subscriber and a

subscription of at least one channel not directly linked to the event being broadcast (Perdon: [0025]).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Perdon.

11. As per claim 2, Inoue as modified discloses the method of claim 1. Inoue as modified does not explicitly disclose wherein the request is written in SQL language (Structured Query Language). However, Inoue discloses the process of retrieving contract condition and access conditions for comparison in a content access control system (Inoue: [0009]-[0010]). Although Inoue does not explicitly disclose using SQL language to query the contract conditions stored within the set-top box, one with ordinary skill in the art would adopt various structured language including, but not limited, to SQL for performing data retrieval and comparison based on design choice.

***Response to Arguments***

12. Applicant's arguments filed 1/22/10 have been fully considered but they are not persuasive.

Regarding applicant's remarks, applicant mainly argues that the prior art of record does not explicitly disclose access condition based on parameter that is independent of the event or of a channel on which the event is broadcast. However, the examiner disagrees. Perdon discloses broadcast condition based on user's viewing history and preference (Person: [0025]; Response to Argument filed on 1/22/10: page 6 line 1), which is claimed in claim 7 as being the parameter independent of channel and program being broadcast. Therefore, applicant's argument is not persuasive in view of above explanation.

***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIN-HON CHEN whose telephone number is (571)272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shin-Hon Chen  
Primary Examiner  
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